

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

MIAMI VALLEY FAIR HOUSING	:	Case No. 3:08-cv-150
CENTER, INC., <i>et al.</i> ,		
 Plaintiffs,	:	District Judge Thomas M. Rose
		Magistrate Judge Michael J. Newman
 -vs-		
	:	
STEINER & ASSOCIATES, INC., <i>et al.</i> ,		
 Defendants.	:	

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**ORDER: (1) DISMISSING WITHOUT PREJUDICE DEFENDANTS' CLAIMS AGAINST  
ALL REMAINING THIRD-PARTY DEFENDANTS; AND (2) TERMINATING THIS  
CASE UPON THE DOCKET**

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Plaintiffs' claims against all Defendants have been dismissed. Thus, the only claims remaining before the Court are Defendants' third-party claims. During the status telephone conference before United States Magistrate Judge Michael J. Newman on November 30, 2012, some Defendants expressed their intentions to proceed on the third-party claims; other Defendants suggested they would abandon their third-party claims. Having fully considered the matter, the Court declines to proceed on Defendants' third-party claims, and exercise supplemental jurisdiction over these claims, now that the underlying action has been settled. *Accord Am. Zurich Ins. Co. v. Cooper Tire & Rubber Co.*, 512 F.3d 800, 805-07 (6th Cir. 2008) ("[I]t is rare that a court...dismisses the underlying action but nonetheless chooses to address a third-party claim. Ultimately, a court has the discretion to dismiss a third-party claim after the original claims of the plaintiff have been settled, and relegate the third-party plaintiff to a separate suit"). *See also* 28 U.S.C. § 1367(c).

Accordingly, Defendants' third-party claims against Gould Evans Associates, LLC; La Force, Inc.; Lutjen, Inc.; Meleca Architecture, Inc.; R.D. Jones & Associates, Inc.; TransSystems Corp.; Baker Concrete Construction, Inc.; John R. Jurgensen Co.; Woolpert, Inc.; Builders FirstSource, Inc.; Dyke Industries, Inc.; Sullivan Builders, Inc.; and Carey Electric Co. are each **DISMISSED WITHOUT PREJUDICE**.

The captioned case is hereby ordered **TERMINATED** upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

December 10, 2012

*Thomas M. Rose*

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE